

APPLICATION NUMBER	FILED/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/649,563	08/28/2000	Ashok J. Joshi	98125CP01

22876  
FACTOR AND PARTNERS, LLC  
100 WEST MONROE STREET  
SUITE 300  
CHICAGO, IL 60603



## FORMALITIES LETTER



\*OC000000005478738\*

Date Mailed: 10/17/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$36.
  - \$36 for 2 total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 856.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

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10/16/00

10/17/2001 CCHAU1 00000076 09649563

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130.00 0P



IN THE  
UNITED STATES  
PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Joshi, et al.

CASE: 98125CP01

SER. NO.: 09/649,563

FILING DATE: August 28, 2000

FOR: CONTROLLED RELEASE  
OF SUBSTANCES

PETITION UNDER 37  
C.F.R. 1.81 TO  
WITHDRAW  
ABANDONMENT

ASSISTANT COMMISSIONER  
FOR PATENTS  
2900 Crystal Drive  
Arlington, VA 22202-3513

ATTENTION OF:

EXAMINER:

Dear Sir or Madam:

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 50-0545.

This is in response to the apparent abandonment of the above-identified application.

Accordingly, under 37 C.F.R. Sec 1.81, please consider the below remarks toward withdraw of the abandonment of the present application and passage thereof to substantive examination.

FACTOR & PARTNERS, LLC.  
1327 West Washington Blvd.  
Suite 5G/H  
Chicago, IL 60607  
(312) 226-1818

Jody L. Factor  
Jovan N. Jovanovic  
William L. King III

34157  
40039  
46830

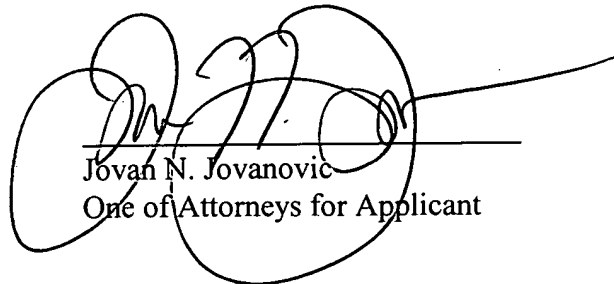
The application was filed on August 28, 2000, return postcard bearing the USPTO mailroom stamp was received on September 7, 2000 (Exhibit A). Apparently, on October 17, 2000, a Notice to File Missing Parts was mailed. The Notice was never received by Applicant and Applicant was unaware of issuance of such Notice. A formal status request was made by Applicant on June 8, 2001 (Exhibit B). The USPTO never responded to Applicants status request. Consequently, Applicant initiated a second status check on September 13, 2001 (Exhibit C). Only then did Applicant first learn that a Notice was mailed to Applicant. Finally, a copy of the Notice was received by Applicant, via facsimile, on September 27, 2001 (Exhibit D).

Applicant has been diligent in procedure in attempting to ascertain the status of this Application. As the Notice as originally mailed on October 17, 2000, Applicant is now outside of the six month period in which to respond. To that end, as the deadline to respond was unavoidable, Applicant respectfully requests withdraw of prior issued Notice as well as the mailing of a new notice with a new mailing date and response time period. Additionally, Applicant hereby submits the petition fee of \$130.00.

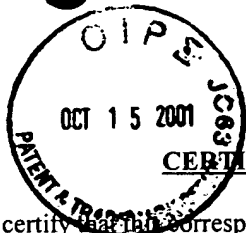
Should anything further be required, a telephone call to the undersigned at (312) 226-1818 is respectfully solicited.

Respectfully submitted,

Dated: October 8, 2001



Jovan N. Jovanovic  
One of Attorneys for Applicant



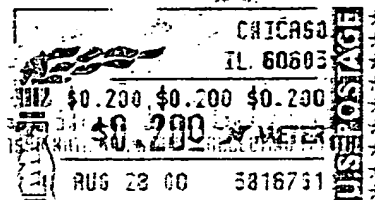
CERTIFICATE OF MAILING

I hereby certify that the correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, 2900 Crystal Drive, Arlington, VA 22202-3513 on October 8, 2001

Jovan N. Jovanovic

Name of Applicant, Assignee, Applicant's Attorney or Registered Representative

"EXHIBIT A"



FACTOR & PARTNERS, LLC  
100 W. MONROE ST., SUITE 300  
CHICAGO, ILLINOIS 60603

RECEIVED SEP - 7 2000

60603+1902



9/7/00  
C.A.

August 28, 2000

The United States Patents and Trademark Office mailroom stamp  
hereon acknowledges receipt of the following:

United States Letters Patent Entitled: CONTROLLED RELEASE  
OF SUBSTANCES invented by Joshi et al.

Including:  
Transmittal;  
Specification and Claims;  
Seven Sheets of Drawings;  
Declaration and Power of Attorney (unsigned); and  
Certificate of Mailing by Express Mail.

MIC 98125CP01



EX. A

Law Offices

**FACTOR & PARTNERS, LLC**

1327 West Washington Blvd., Suite 5G/H

Chicago, Illinois 60607

Telephone (312) 226-1818

Facsimile (312) 226-1919

United States and International  
Intellectual Property Law

Michigan Office:  
305 Hoover Blvd., Suite 300  
Holland, Michigan 49423  
Telephone (616) 355-0400  
Facsimile (616) 355-9862

June 8, 2001

Attn.: Mr. Preston Wallace  
United States Patent and Trademark Office  
Filing Receipt Division

Dear Preston:

As per our telephone conversation yesterday, June 7, 2001, here are the patent applications of which our office have not received filing receipts.

<u>Serial Number</u>	<u>Date Filed</u>
09/621072	7-21-00
09/649563	8-28-00
09/705654	11-03-00
09/700243	11-09-00
09/700649	11-16-00
09/721451	11-22-00
09/701821	12-01-00
09/720232	12-19-00

In addition we have an application, filed on November 22, 2000, for which we also have not received a filing receipt. (The inventors are Eric S. Kolb, Martin VanBuren and Denis G. Fauteux) We did receive the postcard from the USPTO as stamped received, however this postcard did not indicate the serial number. I have called your offices and they could not provide me with this information. Please investigate this matter and provide our office with the filing receipt for the patent applications herein identified.


EXB

FACTOR & PARTNERS, LLC

Your assistance in the matter is greatly appreciated! Should you have any questions, comments, or require additional information regarding this matter, please do not hesitate to contact me at (312) 226-1818

Sincerely,

FACTOR & PARTNERS, LLC



Jenelle Melket  
Legal Assistant

cc: Jody L. Factor

Law Offices  
**FACTOR & PARTNERS, LLC**

100 West Monroe Street, Suite 300

Chicago, Illinois 60603

Telephone (312) 578-0400

Facsimile (312) 578-8220

Direct e-mail: jfactor@factor-ip.com

United States and International  
Intellectual Property Law

**Michigan Office:**

Centennial Park Place

Seventeen West Tenth Street, Suite 100

Holland, Michigan 49423

Telephone (616) 355-0400

Facsimile (616) 355-9862

**FACSIMILE TRANSMITTAL**

**DATE:** *June 8, 2000*

**Please deliver the following pages to:**

**NAME(s):** *Preston Wallace*

**Telecopier No.:** *(703) 308-7751*

**From:** *Jenelle Melket*

**Total Number of Pages**   3   *(including this cover sheet)*

**Direct Line to Sender's Machine:** *(312) 226-1919*

**Operator's Telephone Number:** *(312) 226-1818*

This facsimile is intended only for receipt and use by the identified addressee and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If the reader of this message is neither the intended recipient nor the agent responsible for delivering this transmittal to the intended recipient, you are hereby notified that any use, distribution or copying of this transmittal is strictly prohibited. If you have received this transmittal in error, please notify us immediately by telephone and return the original transmittal to the above address by mail. Thank you.

**REMARKS:**

**Please find the attached letter regarding a request for filing receipts.**



Law Offices

**FACTOR & PARTNERS, LLC**

1327 West Washington Blvd., Suite 5G/H

Chicago, Illinois 60607

Telephone (312) 226-1818

Facsimile (312) 226-1919

Direct e-mail: jfactor@factor-ip.com

United States and International  
Intellectual Property Law**Michigan Office:**

305 Hoover Blvd., Suite 300

Holland, Michigan 49423

Telephone (616) 355-0400

Facsimile (616) 355-9862

September 13, 2001

**VIA FACSIMILE**

U.S. Patent and Trademark Office

Crystal Plaza 3, Room 2C02

Washington, DC 20231

To Whom It May Concern:

It has come to our attention that we have failed to receive Filing Receipts for a multiple patent applications. Such patents are listed in the following table. It should be noted that we have received the postcard stamped received by the USPTO.

<u>Serial No.</u>	<u>Date Filed</u>
09/649,563	August 28, 2000
09/705,654	November 3, 2000
09/701,821	December 1, 2000
09/720,232	December 19, 2000
09/845,744	May 1, 2001
09/857,325	May 31, 2001

Those applications which were filed prior to February 2001, were filed in association with the following address:

Jody L. Factor  
Jovan N. Jovanovic  
William L. King III  
**FACTOR & PARTNERS, LCC.**  
100 West Monroe Street, Suite 300  
Chicago, Illinois 60603

FACTOR & PARTNERS, LLC

Attached, via facsimile is a copy of the Request for Customer Number Data Change form as submitted to the Assistant Commissioner for Patents on January 25, 2001 which changed our correspondence to the address. Additionally, a Notice of Customer Number Data Change is attached for confirmation of acceptance of change in correspondence.

Should you have any questions or comments regarding this or any other matter, please do not hesitate to contact us.

**Confirmation upon receipt of this communication would be greatly appreciated.**

Sincerely,

FACTOR & PARTNERS, LLC

  
Jenelle L.A. Melket  
Legal Assistant

JLM:jm  
Enclosure

TRANSMISSION VERIFICATION REPORT

TIME : 09/13/2001 17:04

DATE, TIME  
FAX NO./NAME  
DURATION  
PAGE(S)  
RESULT  
MODE

09/13 17:01  
17033007751  
00:02:01  
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STANDARD  
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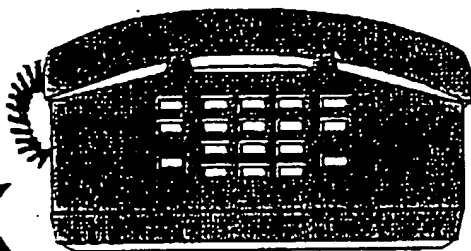
U.S. Department of Commerce

## Patent and Trademark Office

Office of Initial Patent Examination (OIPE)  
Customer Service

(703) 308-1202 or 1203 Fax (703) 308-7751

Fax



RECEIVED

SEP 27 2001

FACTOR &amp; PARTNERS, LLC

To: Factor and Partners, LLC From: Preston Wallace SrFax: 312-578-8220 Pages: 2Phone: 312-578-0400 Date: 09-27-01Re: Missing-Parts - Notice Office: (OIPE) Customer Service☐ Urgent ☐ Corrected Filing Receipt ☐ Replacement Filing Receipt ☐ Please Reply

• Comments:

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Page 1 of 1

EXD



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
SEP 27 2001